



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH**
Washington, D.C. 20570

Via email

May 10, 2022

Re: FOIA Request NLRB-2022-000864

Dear Kathleen Casey (Due Diligence Group, LLC):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on April 6, 2022, in which you seek:

[A]ll inspections (reports/records) involving the companies (listed below) held by the National Labor Relations Board from August 1, 1997, to Present.

- Silberline Manufacturing
- Silberline Manufacturing Co
- Silberline Manufacturing Co, Inc
- Silberline Limited
- Silberline Holding Co
- Silberline Special Effect Pigments
- Silberline Global Headquarters
- Ernest Scheller III Center for Technical Functions & Advanced Manufacturing

You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on April 6, 2022. On April 8 and April 27, 2022, a member of my staff attempted to reach out to you by email to clarify your request for "inspection" records. You were informed that the National Labor Relations Board (NLRB) doesn't conduct "inspections," but rather the NLRB conducts union elections and investigates unfair labor practice allegations (<https://www.nlr.gov/about-nlr/what-we-do>). You were asked if you were interested in any NLRB records pertaining to union representation or unfair labor practices concerning the specified employers and were informed that copies of charges and other case documents could be provided if additional processing fees were assumed, or, alternatively, with the fees assumed for this response, a spreadsheet of cases could be provided. To date, we have not heard from you.

Given your assumption of \$37 in fees, we have processed the request as follows:

A search was conducted in the Agency's electronic casehandling system, NxGen, which generally maintains NLRB case records for cases filed from Fiscal Year 2011 to present. This search identified certain cases and generated an Excel spreadsheet containing summary information about the responsive Silberline cases, including filed and closed dates, closed reason, and description of allegations, which is attached. Please note that the only entity located from the list you provided was Silberline Manufacturing Company, Inc.

Additional searches were conducted by reviewing prior FOIA requests processed by this office for Fiscal Years 2000 through 2010, which are located on FOIAonline, as well as the Agency's website, www.nlr.gov, which did not locate any further information or records involving the specified entities. Please take note that pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. A further search of the Agency's list of permanently retained cases maintained by our Case Records Unit confirmed that no records with the specified employers as the charged party or the employer in a representation case were permanently retained by the Agency for the time period you indicated.

While we are able to provide you with a responsive spreadsheet at this time which is covered by your assumed fees, it is noted from our search that the electronic case files for two cases on the spreadsheet contain additional records which are potentially releasable. Specifically, Case No. 04-CA-037145 contains one record, and Case No. 04-CA-194334 contains approximately 140 records. If you are interested in any of these case file records, such as the formal records or the releasable investigatory records, you will need to submit a new FOIA request and assume adequate processing fees to cover search and review of the records, reasonably estimated to be \$148.00.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Fifteen minutes of professional time was expended in reviewing the requested material. Accordingly, please remit \$9.25.

Payment Instructions: Due to the COVID-19 pandemic and resulting widespread employee telework at the Agency's Headquarters offices, we are no longer accepting checks or money orders as payment at this time. To submit payment for your FOIA request, please use www.pay.gov. From the www.pay.gov home page, scroll down to the bottom left corner to select "Pay a FOIA Request." Click "See all options" and go to "Filter By Agency" to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (202) 368-1927 or by email at Jodilyn.Breirather@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

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You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (one Excel spreadsheet)